

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Case No. 3:06cr00017-1
)	
)	<u>FINAL ORDER ADOPTING</u>
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
MAURILIO PRIETO-RUBI.)	By: Norman K. Moon
)	United States District Judge

Maurilio Prieto-Rubi, a federal inmate proceeding pro se, brings this action under 28 U.S.C. § 2255, alleging that his plea was not knowing and voluntary and that counsel provided ineffective assistance. The United States filed a motion to dismiss Michael F. Urbanski for proposed findings of fact and a recommended disposition of the case. The s, and by order entered October 29, 2010, the court referred the matter to United States Magistrate Judge Magistrate Judge filed a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), finding that Prieto-Rubi's claims lacked merit and recommending that Priet-Rubi's § 2255 motion be dismissed. Neither party has filed objections within the time allotted. Having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation (docket no. 712) is **ADOPTED** in its entirety, the government's motion to dismiss (docket no. 683) is **GRANTED**, Hurdle's § 2255 motion (docket no. 676) is **DISMISSED**, and this case is **STRICKEN** from the active docket of the court.

The Clerk of Court is directed to send copies of this order to the parties.

Entered this 31st day of January, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE